

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 754 - SB 1402**

March 19, 2019

**SUMMARY OF ORIGINAL BILL:** Prohibits persons voluntarily admitted to a mental health treatment facility from possessing a firearm if a court finds:

- The person underwent an involuntary examination immediately prior to being voluntarily admitted;
- The examining physician who conducted the involuntary examination found the person poses an immediate, substantial likelihood of serious harm;
- The examining physician certifies that if the person did not agree to voluntary treatment, a certificate of need (CON) for emergency diagnosis, evaluation, and treatment would be filed; and
- Prior to agreeing to voluntary admission, the person received written notice of the CON and written notice that as a result of being voluntarily admitted, the person may be prohibited from possessing a firearm.

Creates a Class A misdemeanor offense for a person who possess a firearm while the person undergoes an examination to determine emergency involuntary admission to an inpatient treatment facility.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures – Exceeds \$100,000/One-Time

**SUMMARY OF AMENDMENT (006249):** Deletes all language after the enacting clause. Creates a Class A misdemeanor offense for transferring a firearm to a person knowing that the person has been judicially committed to a mental institution or adjudicated as a mental defective unless the person's right to possess firearms has been restored or is receiving inpatient treatment.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**NOT SIGNIFICANT**

**HB 754 - SB 1402**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-17-1316(a)(1), the sale of firearms is prohibited to anyone who has been judicially committed to a public or private mental institution. This requires that mental health professionals, on two separate occasions, complete CONs that the person is believed to have a substantial likelihood of serious harm because of mental illness or emotional disturbance, such as having threaten suicide, and meeting certain other conditions. This section also requires that the person be so adjudicated after being afforded due process before they can be committed.
- There will not be a sufficient number of Class A misdemeanor prosecutions, for the offense of transferring a firearm to a person knowing that the person has been judicially committed to a mental institution or adjudicated as a mental defective unless the person's right to possess firearms has been restored or is receiving inpatient treatment, for state or local government to experience any significant increase in revenue or expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jmg